EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-0617-PST-E **TCEQ ID:** RN102262995

CASE NO.: 33440

RESPONDENT NAME: F. D. Gavranovic

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
_AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X_PETROLEUM STORAGE TANKS	_OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Farm with one a SMALL BUSINESS: X Yes OTHER SIGNIFICANT MATTERS: The facility location. INTERESTED PARTIES: No one other th COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinated TCEQ Enforcement Coordinated Enforcement Division, MC 219, (5 Respondent: Mr. F. D. Gavranovi	_ No re are no complaints. There is no record of addition an the ED and the Respondent has expressed an inte rister comment period expired on September 24, 200 or: Ms. Melissa Keller, SEP Coordinator, Enforcement : Ms. Shontay Wilcher, Enforcement Division, Enforcement	al pending enforcement actions regarding this crest in this matter. 7. No comments were received. ent Division, MC 219, (512) 239-1768 orcement Team 6, MC 128; Mr. Steve Lopez,

RESPONDENT NAME: F. D. Gavranovic DOCKET NO.: 2007-0617-PST-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS ((5xc) VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED TO A **Ordering Provisions:** Type of Investigation: Total Assessed: \$8,500 Complaint X Routine 1) The Order will require the Respondent Total Deferred: \$1,700 ___ Enforcement Follow-up to implement and complete a X Expedited Settlement Supplemental Environmental Project Records Review (SEP). (See SEP Attachment A) __Financial Inability to Pay Date(s) of Complaints Relating to this 2) The Order will also require the Case: None SEP Conditional Offset: \$3,400 Respondent to: Date of Investigation Relating to this Total Paid to General Revenue: \$3,400 Case: January 19 and May 7, 2007 a. Immediately upon the effective date of Site Compliance History Classification this Agreed Order: Date of NOV/NOE Relating to this Case: High X Average Poor March 15, 2007 (NOE) i. Begin maintaining all UST records; and Person Compliance History Classification ii. Submit payment for all outstanding fees. Background Facts: These were routine __ High __X_ Average ___ Poor investigations. Six violations were including any associated penalties and interest. documented. Major Source: ___ Yes _X_ No b. Within 30 days after the effective date WASTE Applicable Penalty Policy: September 2002 of this Agreed Order: 1) Failed to equip the fill tube of the tank i. Install spill and overfill equipment for with either an attached spill container or the diesel UST: catchment basin, or enclose it in a liquidtight manway, riser, or sump. Specifically, ii. Install and implement a cathodic Mr. Gavranovic did not install spill containment equipment on the diesel tank protection system for the diesel UST; and [30 Tex. Admin. Code § 334.51(b)(2)(B) iii. Install and implement a release and Tex. WATER CODE § 26.3475(c)(2)]. detection method for the diesel UST. 2) Failed to equip the diesel tank with proper overfill prevention equipment [30 c. Within 45 days after the effective date of TEX. ADMIN. CODE § 334.51(b)(2)(C) and this Agreed Order, submit written TEX. WATER CODE § 26.3475(c)(2)]. certification and include detailed supporting documentation including 3) Failed to provide proper corrosion photographs, receipts, and/or other records protection for the underground storage tank to demonstrate compliance with Ordering ("UST") system [30 Tex. ADMIN. CODE § Provision Nos. 2.a.i. through 2.b.iii. 334.49(a) and Tex. WATER CODE § 26.3475(d)]. 4) Failed to provide a proper release detection method capable of detecting a release from any portion of the UST system which contained regulated substances including the tank, piping, and other underground ancillary equipment [30 Tex. ADMIN. CODE § 334.50 (a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)]. 5) Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel [30 Tex. ADMIN. CODE 334.10(b)].

RESPONDENT NAME: F. D. Gavranovic **DOCKET NO.:** 2007-0617-PST-E

Page 3 of 3

6) Failed to pay oustanding UST fees and associated late fees for TCEQ Financial Account No. 0021236U for fiscal years 2004 through 2007 [30 Tex. ADMIN. CODE § 334.22(a) and Tex. WATER CODE § 5.702].	
<u>J</u>	

Attachment A Docket Number: 2007-0617-PST-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: F. D. Gavranovic

Payable Penalty Amount: Six Thousand Eight Hundred Dollars (\$6,800)

SEP Amount: Three Thousand Four Hundred Dollars (\$3,400)

Type of SEP: Pre-approved

Third-Party Recipient: Lower Colorado River Authority's Household Hazardous

Waste and Reusable Materials Collection

Location of SEP: Wharton County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Lower Colorado River Authority ("LCRA") Household Hazardous Waste and Reusable Materials Collection in Travis County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Lower Colorado River Authority and the Texas Commission on Environmental Quality*. SEP monies will be used to sponsor household hazardous waste collection events, battery collection events, used oil collection events, paint collection events, and tire collection events in conjunction with local city and county governments through the LCRA Statutory District. These collection events provide citizens with a safe and convenient opportunity to properly dispose of household hazardous wastes such as: paint, tires, pesticides, motor oil, oil filters, antifreeze, batteries, and household cleaners. Citizens will be encouraged to reuse unused portions of properly labeled and handled chemical products (i.e. fertilizers, paints, and some pesticides/herbicides) through the reusable materials exchange. SEP monies will be used by LCRA to supplement scheduled events, and to add additional collection events. The LCRA has not previously budgeted for these supplemental, additional, or special collection events and will not budget for them.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

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F. D. Gavranovic Agreed Order - Attachment A

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a safe and convenient means for proper disposal of household hazardous waste. The program helps protect the environment, particularly the Edwards Aquifer and groundwater sources. It also discourages illegal dumping of hazardous materials by providing a convenient and free source for waste disposal.

C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Lower Colorado River Authority Attn: Jack Ranney PO Box 220 Austin, Texas 78767-0220

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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F. D. Gavranovic Agreed Order - Attachment A

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision December 8, 2006 Assigned 19-Mar-2007 Screening 19-Mar-2007 PCW 13-Jun-2007 RESPONDENT/FACILITY INFORMATION Respondent F. D. Gavranovic Reg. Ent. Ref. No. RN102262995 Facility/Site Region 12-Houston Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 33440 No. of Violations 5 Docket No. 2007-0617-PST-E Order Type 1660 Enf. Coordinator Shontay Wilcher Media Program(s) Petroleum Storage Tank Multi-Media EC's Team EnforcementTeam 6 Maximum Admin. Penalty \$ Limit Minimum \$10,000 Penalty Calculation Section **TOTAL BASE PENALTY (Sum of violation base penalties)** \$8,500 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage **Compliance History** Subtotals 2, 3, & 7 \$0 0% Enhancement No adjustment for compliance history. Notes No 0% Enhancement Culpability Subtotal 4 \$0 The respondent does not meet the culpability criteria. Notes **Good Faith Effort to Comply** \$0 0% Reduction Subtotal 5 NOV to EDPRP/Settlement Offer Before NOV Extraordinary Ordinary N/A (mark with x) The respondent does not meet the good faith criteria. Notes 0% Enhancement Subtotal 6 \$0 Total EB Amounts Capped at the Total EB \$ Amount \$855 Approx. Cost of Compliance \$13,700 SUM OF SUBTOTALS 1-7 \$8,500 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE \$0 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for

Final Penalty Amount

Final Assessed Penalty

Adjustment

20%

\$8,500

\$8,500

-\$1,700

\$6,800

Notes

Notes

PAYABLE PENALTY

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

Screening Date 19-Mar-2007

Docket No. 2007-0617-PST-E

PCW

Policy Revision 2 (September 2002) PCW Revision December 8, 2006

Respondent F. D. Gavranovic

Case ID No. 33440

Reg. Ent. Reference No. RN102262995

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

	Compliance	History Worksheet
 Compliance History Site Enhancement (Su 	ibtotal 2)	
Component Number of		The second secon
Writton NOVe with com	o or similar violations	as those in the surrent and

Component	Number of	Enter Number Here	Adjust
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	. 0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
- Addition	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal government No environmental requirements

		\$ 100		Adjusti	ment Percen	tage (Subto	tal 2) 🔃	0%
>> Repeat Violator (Subtota	ત્રી 3)		<u>*</u>	· · · · · · · · · · · · · · · · · · ·				1 5
No				Adjusti	ment Percent	tage (Subto	tal 3) 🗌	0%
>> Compliance History Per	son Classification	(Subtotal 7)						å F
Average Perform	ner			Adjusti	nent Percen	tage (Subto	tal 7) 🗌	0%
>> Compliance History Sun	nmary							
Compliance History Notes	1	No adjustm	ent for compliance hi	story.		4		
			Total Adj	ustment Perce	entage (Sub	totals 2, 3,	& 7)	0%

Screening Dat		Docket	No. 2007-0617-PST-E		PCW
	t F. D. Gavranovic			Policy Revision 2 (S	eptember 2002)
Case ID No	W. T.			PCW Revision De	cember 8, 2006
Reg. Ent. Reference No					
Enf. Coordinate	Petroleum Storage Tank				
Violation Number					2000
Rule Cite(s	30 Tex. Admin. Code	§ 334.51(b)(2)(B), 334. 26.3475(c)(51(b)(2)(C) and Tex. Water Co 2)	ode §	
Violation Descriptio	n catchment basin, or encl	ose it in a liquid-tight ma tall spill containment equ	ither an attached spill contain inway, riser, or sump. Specifi ipment on the diesel tank. Al proper overfill prevention equi	cally, the	
			Base	Penalty	\$10,000
>> Environmental, Property	and Human Health M	atrix			
Releas	Harm e Major Moderate	Minor			
OR Actu		. Willion			
Potenti	al x		Percent 25%		
>>Programmatic Matrix					٠.
Falsification	n Major Moderate	e Minor			
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					epi-ve-vices
			pollutants which would exceed eptors as a result of the violati		93-013
			Adjustment	\$7,500	apar separation and asset
					00 500
				<u>L</u>	\$2,500
Violation Events					
Number of \	/iolation Events 1	60	Number of violation days	3	
merk only one with an x	daily monthly quarterly x semiannual annual single event		Violation Base	Penalty	\$2,500
One quarte		pased on documentation date to the March 19, 20	of the violation during the Jar 107 screening date.	nuary 19,	or employing the special participation of the
Economic Benefit (EB) for t	his violation		Statutory Limit Tes	t	
Estimat	ed EB Amount	\$79	Violation Final Pena	ity Total	\$2,500
		This violation Final As	ssessed Penalty (adjusted fo	or limits)	\$2,500
	VICE THE RESERVE			44.5	

	E E	conomic I	3enefit W	orks	heet	100000	0.000
Respondent	F. D. Gavranov	ric				!	
Case ID No.	33440					4	
Reg. Ent. Reference No.	RN102262995						
	Petroleum Stor	age Tank					Years of
Violation No.		ago rank				Percent Interest	Depreciation
Holation No.	A				ta it divers	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	Contract of the Contract of th
item Description	No commas or \$						
Delayed Costs							
Equipment	\$1,200	19-Jan-2007	30-Dec-2007	0,9	\$4	\$76	\$79
Buildings			A SPECIAL PROPERTY OF STATE	0,0	\$0	\$0	\$0
Other (as needed)			5.3.31 1.3.56	0.0	\$0	\$0	\$0
Engineering/construction			TO CARL AND THE SECOND	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a /	\$0
Record Keeping System				0.0	\$0	t n/a	\$0
Training/Sampling			<u> </u>	0.0	\$0	i Na	\$0
Remediation/Disposal							
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Screening Date	19-Mar-2007	Docket	No. 2007-0617-PST-E	PCW
	F. D. Gavranovic			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision December 8, 2006
Reg. Ent. Reference No.				
	Petroleum Storage Tank			
Enf. Coordinator Violation Number				
Rule Cite(s)				
rtaio ons(o)	30 Tex. Admin	. Code § 334.49(a) and ⊓	ex. Water Code § 26.3475(d)	
	75. ** ** ** ** ** ** ** ** ** ** ** ** **			
Violation Description	Failed to pro	vide proper corrosion pro	tection for the UST system.	
	A 1 S. 1984 - 18			
			D	D 11 010 000
			Base	Penalty \$10,000
>> Environmental, Property a		latrix		
Pelegge	Harm Major Moderate	e Minor		
Release OR Actual		e Milioi		
Potential			Percent 25%	
>>Programmatic Matrix				
Falsification	Major Moderate	∋ Minor	Percent 0%	
			reiceit 0%	
			ollutants which would exceed le tors as a result of the violation	
Notes are	protective or numarr near	n or environmental recep	tors as a result of the violation	
				<u> </u>
			Adjustment	\$7,500
				\$2,500
W. lee E. A				
Violation Events				
Number of Vi	olation Events 1	60	Number of violation day	S
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	monthly		Violation Base	Penalty \$2,500
mark only one with an x	quarterly x semiannual		Violation Dase	Fremaily \qu
000000000000000000000000000000000000000	annual			
***************************************	single event			
		-		
One quarter		based on documentation date to the March 19, 2	n of the violation during the Jar	uary 19,
	2007 111100011901101	to the mater 19, 2	oo, coroning date.	
<u> </u>				
Economic Benefit (EB) for the	nis violation		Statutory Limit Tes	st or some season because the
Estimate	ed EB Amount	\$662	Violation Final Pena	alty Total \$2,500
	1			
		inis violation Final A	Assessed Penalty (adjusted f	or limits) \$2,500
************************************	7.57		and the second s	

Case ID No. Reg. Ent. Reference No.							er i
Media	Petroleum Stor					Percent Interest	Years of
Violation No.	2		LUMB CONTRACT		ALICA POR V	1	Depreciation
	Item Cost	Date Required	Final Date	V	Take and Care a	5.0 Onetime Costs	15
Item Description		SECTION SECTIO	Filial Date	115	Interest Saved	Offetime Costs	EB Amount
Delayed Costs	entre e			35. 537			
Equipment	\$10,000	19-Jan-2007	30-Dec-2007	0.9	\$32	\$630	\$662
Buildings	a junta para da a a a			0.0	\$0	\$0	\$0
Other (as needed)	Annual Section Control of the Control	A CONTRACTOR OF THE STATE OF TH		0,0	\$0	\$0	\$0
Engineering/construction	3 3, 61 C	incoming the second		0.0	\$0	\$0	\$0
Land	A	AT THE STATE OF TH		0,0	\$0	i.i. J⊵li n/a 🔻 🔻	\$0
Record Keeping System				0,0	\$0	l n/a	\$0
Training/Sampling Remediation/Disposal				0.0	\$0 \$0	t (i n/a	\$0
Permit Costs				0.0		n/a	\$0
Other (as needed)	Estimated cos	st to Install corrosio	n profection system	0.0 0.0	\$0 \$0	n/a n/a he investigation data	\$0 \$0
	Estimated cos	st to Install corrosio		0.0 m, The	\$0		\$0
Other (as needed) Notes for DELAYED costs Avoided Costs			Date is the estir	0.0 m. The nated da ntering	\$0 Date Required is tate of compliance.	n/a the investigation date	\$0 e and the Final osts)
Other (as needed) Notes for DELAYED costs AVOIDED Costs Disposal	ANN		Date is the estir	m. The mated da	\$0 Date Required is tate of compliance. item (except for \$0	the investigation date	\$0 e and the Final osts) \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel			Date is the estir	m. The mated danger of the control o	Date Required is tate of compliance. item (except for \$0 \$0 \$0	n/a the investigation date one-time avoided c \$0 \$0	\$0 e and the Final osts) \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	ANN		Date is the estir	m. The nated danger of the control o	\$0 Date Required is (ate of compliance.) item (except for \$0 \$0 \$0	n/a the investigation date one-time avoided c \$0 \$0 \$0	\$0 e and the Final osts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN		Date is the estir	ntering	\$0 Date Required is tate of compliance. item (except for a solution) \$0 \$0 \$0 \$0 \$0	n/a the investigation date one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 e and the Final osts) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		Date is the estir	0.0 m. The nated dantering 0.0 0.0 0.0 0.0 0.0	\$0 Date Required is tate of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the Investigation date one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 e and the Final osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN		Date is the estir	ntering	\$0 Date Required is tate of compliance. item (except for a solution) \$0 \$0 \$0 \$0 \$0	n/a the investigation date one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 e and the Final osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN		Date is the estir	0.0	\$0 Date Required is 1 ate of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the investigation date one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 e and the Final osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN		Date is the estir	0.0 m. The nated da ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 Date Required is tate of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the Investigation date one-time avoided or \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 e and the Final osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		Docke	t No. 2007-0617-PST-E	PCW
	F. D. Gavranovic		Police	y Revision 2 (September 2002)
Case ID No.			PC	CW Revision December 8, 2006
Reg. Ent. Reference No.				•
	Petroleum Storage Tank			
Enf. Coordinator				*
Violation Number Rule Cite(s)	L			 1
Rule Cite(s)	30 Tex. Admin. Cod	de § 334.50 (a)(1)(A) an	d Tex. Water Code § 26.3475(c)(1)	- v
Violation Description	any portion of the UST s	er release detection met ystem which contained I, and other underground	thod capable of detecting a release from the tail the tail of an are the tail of the tail	om nk,
	111		Base Pena	lty \$10,000
>> Environmental, Property a	ind Human Health M Harm	atrix		
Release	Major Moderate	e Minor		
OR Actual				
Potential	X		Percent 25%	
			7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	
>>Programmatic Matrix	Moior Modorata	Minor		
Falsification	Major Moderate	Minor	Percent 0%	
	L		Percent 0%	
			ollutants which would exceed levels the otors as a result of the violation.	ent en
			Adjustment \$7,5	00
00000000000000000000000000000000000000				
				\$2,500
Violation Events				
Number of Vic	olation Events 1		0 Number of violation days	
mark only one with an x	daily monthly quarterly x semiannual annual single event		Violation Base Pena	lty \$2,500
One quarter		based on documentatio date to the March 19, 2	n of the violation during the January 1 007 screening date.	9,
Economic Benefit (EB) for th	is violation		Statutory Limit Test	100 P. C.
Estimate	d EB Amount	\$71	Violation Final Penalty To	tal \$2,500
· · · · · · · · · · · · · · · · · · ·		This violation Final	Assessed Penalty (adjusted for limi	te) \$2.500
		THIS VIOIGUOU FINAL	Moocoocu renally (aujusteu for IIM)	ts) \$2,500

		conomici	Benefit W	orksr	neet 🗀	v. 10. 100 f. 11	
Respondent	F. D. Gavranov	/IC		ALEXAN BER KIRBERE			
Case ID No.	33440					4	e.2
Reg. Ent. Reference No.	RN102262995						
	Petroleum Stor	age Tank					Years of
Violation No.						Percent Interest	Depreciation
7.00				125 A	and the site of the same	5.0	15
	Item Cost	Date Required	Final Date	Yrs I	nterest Saved	Acres to the contract of the c	EB Amount
Item Description	No commas or \$					Caracille	
Delayed Costs				2500 55 559	Marita de la companya de la company		
Equipment		PARTICIO DE CARROS		il o.o l	\$0	\$0	\$0
Buildings	440	158240 11-10-10-10-10-10-10-10-10-10-10-10-10-1		0.0	\$0	\$0	\$0
Other (as needed)	A SANCE OF THE STATE	10.50401.00.000	A 4010 000 000 000 000 000 000 000 000 00	0.0	\$0	\$0	\$0
Engineering/construction	101.001.001.004	1180-1190-1190	reaction and	0.0	\$0	\$0	\$0
Land	* 0.00 miles (1.00 miles)			0.0	\$0	l n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	"n/a"	\$0
				1 00	00		n n
Remediation/Disposal	11.7456 L. T. B. J. A. A.	1		0.0	\$0	n/a	\$0
Remediation/Disposal Permit Costs			Buca, Maria	0.0	\$0	n/a	\$0 \$0
•	\$1,500	19-Jan-2007	30-Dec-2007	0.0	\$0 \$71	n/a n/a	\$0 \$71
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated cost	to provide a releas investigat	se detection metho tion and Final Date	0,0 0,9 od for the U	\$0 \$71 JST at the Facili Imated date of c	ity. Date Required i	\$0 \$71 is the date of the
Permit Costs Other (as heeded) Notes for DELAYED costs Avoided Costs	Estimated cost	to provide a releas investigat	se detection metho tion and Final Date	0.0 0.9 od for the Use is the esti	\$0 \$71 UST at the Facili imated date of c em (except for	ity. Date Required icompliance.	\$0 \$71 is the date of the
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cost	to provide a releas investigat	se detection metho tion and Final Date	0.0 0.9 od for the Usis the esti	\$0 \$71 UST at the Facili imated date of c em (except for \$0	ity. Date Required icompliance.	\$0 \$71 is the date of the
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel	Estimated cost	to provide a releas investigat	se detection metho tion and Final Date	0.0 0.9 od for the Use is the esti	\$0 \$71 UST at the Facili imated date of c em (except for \$0 \$0	ity. Date Required icompliance. one-time avoided a \$0 \$0	\$0 \$71 is the date of the costs) \$0 \$0
Permit Costs Other (as heeded) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	Estimated cost	to provide a releas investigat	se detection metho tion and Final Date	0.0 0.9 od for the Use is the esti	\$0 \$71 UST at the Facili imated date of c em (except for \$0 \$0	ity. Date Required icompliance.	\$0 \$71 is the date of the costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cost	to provide a releas investigat	se detection metho tion and Final Date	0.0 0.9 od for the Use is the esti	\$0 \$71 UST at the Facili imated date of come (except for \$0 \$0 \$0 \$0	ity. Date Required (compliance.) one-time avoided (compliance) \$0 \$0 \$0 \$0	\$0 \$71 is the date of the costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost	to provide a releas investigat	se detection metho tion and Final Date	0.0 0.9 od for the Use is the esti ntering ite 0.0 0.0 0.0 0.0	\$0 \$71 UST at the Facili imated date of commence of the second of the	ity. Date Required its compliance. one-time avoided it \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$71 is the date of the costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost	to provide a releas investigat	se detection metho tion and Final Date	0.0 0.9 od for the Ue is the esti ntering ite 0.0 0.0 0.0 0.0	\$0 \$71 UST at the Facili imated date of commence of the second of the	ity. Date Required ity. Date Required ity. Date Required ity. Sone-time avoided it \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$71 is the date of the costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost	to provide a releas investigat	se detection metho tion and Final Date	0.0 0.9 od for the Use is the esti ntering ite 0.0 0.0 0.0 0.0	\$0 \$71 UST at the Facili imated date of commence of the second of the	ity. Date Required its compliance. one-time avoided it \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$71 is the date of the costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost	to provide a releas investigat	se detection metho tion and Final Date	0.0 0.9 od for the Ue is the esti ntering ite 0.0 0.0 0.0 0.0	\$0 \$71 UST at the Facili imated date of commence of the second of the	ity. Date Required ity. Date Required ity. Date Required ity. Sone-time avoided it \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$71 is the date of the costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOICED COSTS Disposal Personniel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost	to provide a releas investigat	se detection metho tion and Final Date	0.0 0.9 od for the Ue is the esti ntering ite 0.0 0.0 0.0 0.0	\$0 \$71 UST at the Facili imated date of commence of the second of the	ity. Date Required ity. Date Required ity. Date Required ity. Sone-time avoided it \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$71 is the date of the costs) \$0 \$0 \$0 \$0 \$0

Respondent F. D. Gavranovic Case ID No. 33440 Reg. Ent. Reference No. RNN02222959 Media (Statutal) Petroleum Storage Tank Enf. Coordinator Shontay Wilcher Violation Number A Rule Citals Violation Description Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel. **Service Major Moderate Minor Actual Moderate Minor Percent 0% **Programmatic Matrix Release Major Moderate Minor Actual Potential Violation Moderate Minor Actual Notes **Notes 100% of the rule requirement was not met. **Notes 100% of the rule requirement was not met. **Violation Events **Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Notes 1 100% of the rule requirement was not met. **Violation Events **Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor Actual Number of Violation Events 1 600 Number of violation days **Service Major Moderate Minor	Screening Date		Dock	et No. 2007-0617-PST-E	PCW
Reg. Ent. Reference No. RN102262995 Media: Statutory Limit Test					
Media (Statuto) Petroleum Storage Tank Enf. Coordinator Shontay Wilcher Violation Number Rule Cite(s) 30 Tex. Admin. Code 334.10(b) Violation Description Falled to maintain UST records and make them immediately available for inspection upon request by agency personnel. Passe Penalty \$10,000 >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential Potential Percent 0% >>Programmatic Matrix Falsification Major Moderate Minor Percent 10% Matrix Notes 100% of the rule requirement was not met. Solution Events 1				PCW	Revision December 8, 2006
Falled to maintain UST records and make them immediately available for inspection upon request by agency personnel. Violation Description Falled to maintain UST records and make them immediately available for inspection upon request by agency personnel. Sase Penalty S10,000					**************************************
Violation Description Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel.	Enf. Coordinator	Shontay Wilcher			
Violation Description Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel. Base Penalty \$10,000 **SEnvironmental, Property and Human Health Matrix Release Major Moderate Minor Actual Potential Percent 0% **Sepregrammatic Matrix Notes 100% of the rule requirement was not met. **Adjustment \$9,000 **S1,000 Violation Events Number of Violation Events 1 60 Number of violation days **Gasy morning years and with any semismoral samples and accumentation of the violation during the January 19, 2007 Investigation date. Economic Benefit (EB) for this violation Estimated EB Amount \$43 Violation Final Penalty Total \$1,000	\$!	4			
Sase Penalty S10,000	Rule Cite(s)		30 Tex. Admin. Co	de 334.10(b)	,
Sase Penalty S10,000					
Sase Penalty S10,000	Violetien Beseutetien	Failed to maintain UST	records and make the	em immediately available for inspection	***
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential Percent 0%	violation Description				
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential Percent 0%					
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential Percent 0%		L			040.000
Release Major Moderate Minor Actua Potential Percent 0% >>Programmatic Matrix Falsification Major Moderate Minor				Base Penalty	\$10,000
Release Major Moderate Minor Actua Potential Percent 0% >>Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor	>> Environmental, Property a		atrix		percent
Potential Percent 0% >>Programmatic Matrix Falsification Major Moderate Minor		Major Moderate	Minor		polyolocalization
>>Programmatic Matrix Falsification Major Moderate Minor	7. 774 7	The second secon		Parant 000	And processing the state of the
Falsification Major Moderate Minor Matrix M	Potential	La calentias	100 Septiment (minds)	Percent 0%	· ·
Matrix Notes 100% of the rule requirement was not met. Adjustment \$9,000 \$1,000 Violation Events Number of Violation Events 1 60 Number of violation days daily monthly quarterly semiannual annual single event x One single event is recommended based on documentation of the violation during the January 19, 2007 investigation date. Economic Benefit (EB) for this violation Estimated EB Amount \$43 Violation Final Penalty Total \$1,000				ta witte	dia annotana again
Matrix Notes Adjustment \$9,000	Falsification		Minor	Percent 10%	RECORDS AND ADMINISTRATION OF THE PROPERTY OF
Notes Notes				1070	
Adjustment \$9,000 Violation Events Number of Violation Events 1 60 Number of violation days daily	Matrix	4000% -64			-
Violation Events Number of Violation Events 1	Notes	100% 011	ine ruie requirement w	as not met.	V = 1
Violation Events Number of Violation Events 1					
Violation Events Number of Violation Events				Adjustment \$9,000	
Number of Violation Events 1 60 Number of violation days daily	***************************************				\$1,000
Number of Violation Events 1 60 Number of violation days daily	Violation Events		The second second		
Mark only one with an x Maily Monthly Quarterly Semiannual Single event X Mark only one with an x Single event X Mark only one with an x Mark			=1		-
monthly quarterly semiannual annual single event x One single event is recommended based on documentation of the violation during the January 19, 2007 investigation date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$43 Violation Final Penalty Total \$1,000	Number of Vic	plation Events 1		Number of violation days	
Mark only one with an x Quarterly Semiannual Annual Single event X					
One single event x One single event is recommended based on documentation of the violation during the January 19, 2007 investigation date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$43 Violation Final Penalty Total \$1,000	mark only one			Violation Base Penalty	\$1,000
One single event x One single event is recommended based on documentation of the violation during the January 19, 2007 investigation date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$43 Violation Final Penalty Total \$1,000				violation Dass i sharty	
One single event is recommended based on documentation of the violation during the January 19, 2007 investigation date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$43 Violation Final Penalty Total \$1,000					
Economic Benefit (EB) for this violation Estimated EB Amount \$43 Violation Final Penalty Total \$1,000		Single every X			
Economic Benefit (EB) for this violation Estimated EB Amount \$43 Violation Final Penalty Total \$1,000	One single	event is recommended ba	ased on documentation	n of the violation during the January 19,	4 control of control o
Estimated EB Amount \$43 Violation Final Penalty Total \$1,000					
Estimated EB Amount \$43 Violation Final Penalty Total \$1,000	Economic Benefit (FR) for th	is violation	terres de la companya	Statutory Limit Toet	
This violation Final Assessed Penalty (adjusted for limits) \$1,000	Estimated	3 FR Amount	\$43]	Violation Final Penalty Total	\$1,000
			This violation Final	Assessed Penalty (adjusted for limits)	\$1,000

		conomic i	Benetit vv	orks	sheet	Made Alle	444
	F. D. Gavranov	/lc					. '
Case ID No.							
leg. Ent. Reference No.	RN102262995				71.41		
Media	Petroleum Stor	rage Tank					Years of
Violation No.	4	-				Percent Interest	Depreciation
			11.445.3	33.33	To Ampres	5,0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	No commas or \$						
				and the second	AND		
Delayed Costs		711			TELEVISION OF	raind saverage	
Equipment				0.0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)	1.1 (0.000000000000000000000000000000000	Library Lameston	State programme	0.0	sis 1 st. \$0	\$0	\$0
Engineering/construction		CONTRACTOR STATE OF THE STATE O	A A construction of the Construction of the	0.0	\$0	\$0	\$0
Land		XX	100	0,0	\$0	i n/a	\$0
Record Keeping System	\$1,000	19-Jan-2007	30-Nov-2007	0.9	\$43	it n/a	\$43
Training/Sampling		Land Marine Control of Control of Control		0.0	\$0	i li n/a	\$0
Remediation/Disposal	N. C. St. Commission			0.0	\$0	n/a	\$0
		· · · · · · · · · · · · · · · · · · ·				. The Lucia	\$ U
Permit Costs				0,0	\$0	n/a	\$0
	Petimeted	coel to petablish a	nd malalaja a roso	0.0	\$0 \$0	: n/a ∷n/a	\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	a autor apadaganii see sa aa	Investigatio	n and the Final Da	0.0 0.0 ord keep te is the ntering 0.0 0.0	\$0 \$0 ing system. The Less estimated date of the control of the co	n/a n/a Date Required is the f compliance. one-time avoided c \$0 \$0	\$0 \$0 date of the costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	a autor apadaganii see sa aa	Investigatio	n and the Final Da	0.0 0.0 ord keep te is the ntering 0.0 0.0	\$0 \$0 ing system. The E estimated date o	n/a n/a Date Required is the f compliance. one-time avoided c \$0 \$0 \$0	\$0 \$0 date of the sosts) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIGED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	a autor apadaganii see sa aa	Investigatio	n and the Final Da	0,0 0.0 ord keep ite is the ntering 0,0 0.0 0.0	\$0 \$0 ing system. The Le e estimated date of the control of the co	n/a n/a n/a Date Required is the f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$0 date of the; sosts) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIGED GOSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	a autor appellation common app	Investigatio	n and the Final Da	0.0 0.0 ord keep ite is the ordering 0.0 0.0 0.0 0.0	\$0 \$0 ing system. The Le e stimated date o item (except for a \$0 \$0 \$0 \$0 \$0	n/a n/a Date Required is the f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 date of the sosts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	a autor appellation common app	Investigatio	n and the Final Da	0.0 0.0 ord keep te is the ordering 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 ing system. The Le estimated date o item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a Date Required is the f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 date of the \$1 sosts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIGED GOSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	a autor appellation common app	Investigatio	n and the Final Da	0.0 0.0 ord keep ite is the ordering 0.0 0.0 0.0 0.0	\$0 \$0 ing system. The Le e stimated date o item (except for a \$0 \$0 \$0 \$0 \$0	n/a n/a Date Required is the f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 date of the sosts) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	a autor appellation common app	Investigatio	n and the Final Da	0.0 0.0 ord keep te is the ordering 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 ing system. The Le estimated date o item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a Date Required is the f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 date of the \$1 sosts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED GOSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	a autor appellation common app	Investigatio	n and the Final Da	0.0 0.0 ord keep te is the ordering 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 ing system. The E estimated date o Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a Date Required is the f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 date of the

Screening D	ate 19-Mar-2007	Docket No. 2007-0617-PST-E	PCW
	ent F. D. Gavranovic	Policy Ro	evision 2 (September 2002)
	No. 33440	PCW	Revision December 8, 2006
Reg. Ent. Reference	1 11 18 AGO		
	Ite] Petroleum Storage T	ank	
	tor Shontay Wilcher	•	
Violation Nun	<u> </u>		
Rule Cit	30 Tex.	Admin. Code § 334.22(a) and Tex. Water Code § 5.702	

Violation Descrip	Failed to pay oustan	ding UST fees and associated late fees for TCEQ Financial Account	
71.0.au.01. 20001.p	, n	lo. 0021236U for fiscal years 2004 through 2007.	
or department			
		Base Penalty	\$10,000
>> Environmental, Prope	ty and Human Healt	h Matrix	•
<u>.</u>		rm	
to the second se	e ase Major Mode ctual	erate Minor	
	ntial	Percent 0%	To a contract of the contract
	nuar I	reicent 0%	
>>Programmatic Matrix			
Falsifica	tion Major Mode	erate Minor	
		Percent 0%	·
Matrix			
Notes			
			7.
		Adjustment \$10,000	j.,
***************************************			\$0
·			
Violation Events			or increases.
Number o	of Violation Events	Number of violation days	
000000			
-	daily		·
	monthly		Φ0
mark only with an		Violation Base Penalty	\$0
***************************************	annual		
***************************************	single event		
No add	itional administrative pena	alty was calculated for this violation as penalties and interest will be	
		assessed on the next fee billing.	
<u></u>			
Economic Benefit (EB) fo	r this violation	Statutory Limit Test	Table 12 To Table 1
		The state of the s	
Estin	nated EB Amount	\$0 Violation Final Penalty Total	\$0
E Park and a gradual and a second a second and a second and a second and a second and a second a		This violation Final Assessed Penalty (adjusted for limits)	\$0
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	F. D. Gavranov						
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Compliance History

Customer/Respondent/Owner-Operator:	CN601204415	GAVRANOVIC, F. D.		Classification: AVERAGE BY DEFAULT	Rating: 3.01
Regulated Entity:	RN102262995	GAVRANOVIC F. D.		Classification: AVERAGE BY DEFAULT	Site Rating: 3.0
ID Number(s):	PETROLEUM ST REGISTRATION		REGISTRAT	ON 3	35471
Location:	1702 FM 2817 R	S, WHARTON, TX, 77488		Rating Date: 9/1/2006 Repeat	Violator: NO
TCEQ Region:	REGION 12 - HO	USTON			
Date Compliance History Prepared:	May 05, 2007				
Agency Decision Requiring Compliance History:	Enforcement				
Compliance Period:	May 05, 2002 to	May 05, 2007			
TCEQ Staff Member to Contact for Additional Info	rmation Regarding	his Compliance History			
Name: Shontay Wilcher	Ph	one: (512) 239-2136			
	Site C	ompliance History Comp	ponents		
1. Has the site been in existence and/or operation	for the full five year	compliance period?	Yes		
2. Has there been a (known) change in ownership	of the site during the	ne compliance period?	No		
3. If Yes, who is the current owner?			N/A		
4. if Yes, who was/were the prior owner(s)?			N/A		
5. When did the change(s) in ownership occur?			N/A		
Components (Multimedia) for the Site:				,	
A. Final Enforcement Orders, court judger	ments, and consent	decrees of the state of Texas	and the federal of	government.	
N/A					
B. Any criminal convictions of the state of	Texas and the fede	eral government.			
N/A					
C. Chronic excessive emissions events.					
N/A D. The approval dates of investigations. (0)	CCEDS lay Track	No.)			
D. The approval dates of investigations. (6 1 03/15/2007 (537811)	CCEDS IIIV. Hack.	NO.)			
E. Written notices of violations (NOV). (Co	CEDS Inv. Track. N	0.)			
F. Environmental audits.					
G. Type of environmental management sy	ystems (EMSs).				
N/A					
H. Voluntary on-site compliance assessm	ent dates.				
N/A					•
I. Participation in a voluntary pollution re-	duction program.				
N/A					
J. Early compliance.					
N/A					
Sites Outside of Texas					
N/A					

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
F. D. GAVRANOVIC	§	
RN102262995	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0617-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding F. D. Gavranovic ("Mr. Gavranovic") under the authority of TEX. WATER CODE chs. 5, 7, and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Gavranovic appear before the Commission and together stipulate that:

- 1. Mr. Gavranovic owns and operates a farm with one active underground storage tank ("UST") at 1702 Farm-to-Market Road 2817 South in Wharton, Wharton County, Texas (the "Facility").
- 2. Mr. Gavranovic's one UST is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and Mr. Gavranovic agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Gavranovic is subject to the Commission's jurisdiction.
- 4. Mr. Gavranovic received notice of the violations alleged in Section II ("Allegations") on or about March 20, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Gavranovic of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Eight Thousand Five Hundred Dollars (\$8,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Gavranovic has paid Three Thousand Four Hundred Dollars (\$3,400) of the administrative penalty and One Thousand Seven Hundred Dollars (\$1,700) is deferred contingent upon Mr.

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Gavranovic's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Gavranovic fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Gavranovic to pay all or part of the deferred penalty. Three Thousand Four Hundred Dollars (\$3,400) shall be conditionally offset by Mr. Gavranovic 's completion of a Supplemental Environmental Project ("SEP").

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Mr. Gavranovic have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Gavranovic has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Gavranovic is alleged to have:

- 1. Failed to equip the fill tube of the tank with either an attached spill container or catchment basin, or enclose it in a liquid-tight manway, riser, or sump, in violation of 30 TEX. ADMIN. CODE § 334.51(b)(2)(B) and TEX. WATER CODE § 26.3475(c)(2), as documented during an investigation conducted on January 19, 2007. Specifically, Mr. Gavranovic did not install spill containment equipment on the diesel tank.
- 2. Failed to equip the diesel tank with proper overfill prevention equipment, in violation of 30 TEX. ADMIN. CODE § 334.51(b)(2)(C) and TEX. WATER CODE § 26.3475(c)(2), as documented during an investigation conducted on January 19, 2007.
- 3. Failed to provide proper corrosion protection for the UST system, in violation of 30 TEX. ADMIN. CODE § 334.49(a) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on January 19, 2007.
- 4. Failed to provide a proper release detection method capable of detecting a release from any portion of the UST system which contained regulated substances including the tank, piping, and other underground ancillary equipment, in violation of 30 Tex. ADMIN. CODE § 334.50 (a)(1)(A) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on January 19, 2007.

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- 5. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel, in violation of 30 Tex. ADMIN. CODE 334.10(b), as documented during an investigation conducted on January 19, 2007.
- 6. Failed to pay oustanding UST fees and associated late fees for TCEQ Financial Account No. 0021236U for fiscal years 2004 through 2007, in violation of 30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702, as documented during an investigation conducted on May 7, 2007.

III. DENIALS

Mr. Gavranovic generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Gavranovic pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Gavranovic's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: F. D. Gavranovic, Docket No. 2007-0617-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Mr. Gavranovic shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Four Hundred Dollars (\$3,400) of the assessed administrative penalty shall be offset with the condition that Mr. Gavranovic implements the SEP defined in Attachment A, incorporated herein by reference. Mr. Gavranovic's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. It is further ordered that Mr. Gavranovic shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Begin maintaining all UST records, in accordance with 30 TEX. ADMIN. CODE § 334.10; and
 - ii. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "F. D. Gavranovic, TCEQ Financial Administration Account No. 0021236U," to the address in Paragraph 1 of this Section.

- b. Within 30 days after the effective date of this Agreed Order:
 - i. Install spill and overfill equipment for the diesel UST, in accordance with 30 Tex. ADMIN CODE § 334.51;
 - ii. Install and implement a cathodic protection system for the diesel UST, in accordance with 30 TEX. ADMIN. CODE § 334.49; and
 - iii. Install and implement a release detection method for the diesel UST, in accordance with 30 TEX. ADMIN. CODE § 334.50.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.b.iii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Street, Suite H Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon Mr. Gavranovic. Mr. Gavranovic is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. If Mr. Gavranovic fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Gavranovic's failure to comply is not a violation of this Agreed Order. Mr. Gavranovic shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Gavranovic shall notify the Executive Director

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within seven days after Mr. Gavranovic becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Gavranovic shall be made in writing to the Executive Director. Extensions are not effective until Mr. Gavranovic receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Gavranovic in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 9. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Gavranovic, or three days after the date on which the Commission mails notice of the Order to Mr. Gavranovic, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	10/18/07 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions:
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature Susanne (

Dur

Name (Printed or typed)

Authorized Representative of

F. D. Gavranovic

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A Docket Number: 2007-0617-PST-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: F. D. Gavranovic

Payable Penalty Amount: Six Thousand Eight Hundred Dollars (\$6,800)

SEP Amount: Three Thousand Four Hundred Dollars (\$3,400)

Type of SEP: Pre-approved

Third-Party Recipient: Lower Colorado River Authority's Household Hazardous

Waste and Reusable Materials Collection

Location of SEP: Wharton County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Lower Colorado River Authority ("LCRA") Household Hazardous Waste and Reusable Materials Collection in Travis County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Lower Colorado River Authority and the Texas Commission on Environmental Quality*. SEP monies will be used to sponsor household hazardous waste collection events, battery collection events, used oil collection events, paint collection events, and tire collection events in conjunction with local city and county governments through the LCRA Statutory District. These collection events provide citizens with a safe and convenient opportunity to properly dispose of household hazardous wastes such as: paint, tires, pesticides, motor oil, oil filters, antifreeze, batteries, and household cleaners. Citizens will be encouraged to reuse unused portions of properly labeled and handled chemical products (i.e. fertilizers, paints, and some pesticides/herbicides) through the reusable materials exchange. SEP monies will be used by LCRA to supplement scheduled events, and to add additional collection events. The LCRA has not previously budgeted for these supplemental, additional, or special collection events and will not budget for them.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

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B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a safe and convenient means for proper disposal of household hazardous waste. The program helps protect the environment, particularly the Edwards Aquifer and groundwater sources. It also discourages illegal dumping of hazardous materials by providing a convenient and free source for waste disposal.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Lower Colorado River Authority Attn: Jack Ranney PO Box 220 Austin, Texas 78767-0220

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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F. D. Gavranovic
Agreed Order – Attachment A

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.